

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Myron K. Stewart,

Case No. 3:08 CV 1603

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-vs-

JUDGE JACK ZOUHARY

Lucas County Juvenile Court, et al.,

Defendants.

The Court has reviewed the Report and Recommendation (R&R) of Magistrate Judge Vernelis Armstrong filed September 9, 2009 (Doc. No. 28). Under the relevant statute (28 U.S.C. § 636(b)(1)):

Within ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

In this case, the ten-day period has elapsed and no objections have been filed. The failure to file written objections constitutes a waiver of a de novo determination by the district court of an issue covered in the R&R. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

The Court adopts the R&R in its entirety. The Court (1) grants the Motion to Dismiss filed by Defendant Juvenile Court and Commissioners (Docket No. 18), (2) grants the Motion to Dismiss Plaintiff's Second Amended Complaint only as to the Juvenile Court and Commissioners (Docket No. 24), (3) grants the remaining Defendant Cubbon leave to file an Answer within ten (10) days from the date of this Order, and (4) refers the case back to the Magistrate to address claims pending against Defendant Cubbon.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

October 2, 2009